

February 07, 2024

EDWARD J. EMMONS, CLERK

U.S. BANKRUPTCY COURT

NORTHERN DISTRICT OF CALIFORNIA



Signed and Filed: February 7, 2024

A handwritten signature in black ink, reading "Dennis Montali", is positioned above the printed name of the judge.

DENNIS MONTALI

U.S. Bankruptcy Judge

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JU835-8355 and JU895-0964*

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**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

In re:

The Roman Catholic Archbishop of San
Francisco,

Debtor and
Debtor in Possession.

Case No. 23-30564 (DM)

Chapter 11

**ORDER APPROVING STIPULATION
TO WITHDRAW WITHOUT
PREJUDICE THE MOTION OF
CERTAIN INSURERS FOR RELIEF
FROM AUTOMATIC STAY TO PERMIT
CALIFORNIA COVERAGE ACTION TO
CONTINUE**

No Hearing Requested
Judge: Hon. Dennis Montali

Upon consideration of the *Stipulation to Withdraw Without Prejudice the Motion of
Certain Insurers for Relief from Automatic Stay to Permit California Coverage Action to Continue*
[Docket No. 452] (the “**Stipulation**”) filed with the Court on February 7, 2024, and attached hereto
as Exhibit 1,

IT IS HEREBY ORDERED THAT:

1. The Stipulation is approved and entered as an order of this Court.
2. This Court shall retain jurisdiction to hear and determine all matters arising from
or related to the implementation, interpretation, or enforcement of this Order.

****END OF ORDER****

Exhibit 1

**Stipulation to Withdraw Without Prejudice the Motion of Certain Insurers
for Relief from the Automatic Stay to Permit California Coverage Action to
Continue**

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Underwriters Insurance Company for policies
JU835-8355 and JU895-0964*

(additional counsel listed on signature page)

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

In re:

The Roman Catholic Archbishop of San
Francisco,

Debtor and
Debtor in Possession.

Case No. 23-30564 (DM)

Chapter 11

**STIPULATION TO WITHDRAW
WITHOUT PREJUDICE THE MOTION
OF CERTAIN INSURERS FOR RELIEF
FROM AUTOMATIC STAY TO PERMIT
CALIFORNIA COVERAGE ACTION TO
CONTINUE**

Judge: Hon. Dennis Montali

Century Indemnity Company, as successor to CCI Insurance Company and Insurance Company of North America, Pacific Indemnity Company, and Westchester Fire Insurance Company as successor in interest to Industrial Underwriters Insurance Company for policies JU835-8355 and JU895-0964 (collectively, the “**Insurers**”) and the Roman Catholic Archbishop of San Francisco (the “**RCASF**” or the “**Debtor**,” and, together with the Insurers, the “**Parties**”), the debtor and debtor in possession in the above-captioned chapter 11 case (the “**Bankruptcy Case**”), enter into this stipulation and agreement (the “**Stipulation**”) to withdraw without prejudice the *Motion of Certain Insurers for Relief from Automatic Stay to Permit California Coverage Action to Continue* [Docket Nos. 251, 255] (the “**Motion**”).¹ The Parties hereby stipulate and agree as follows:

RECITALS

A. On October 27, 2023, the Insurers filed the Motion, which seeks to lift the automatic stay to allow a pending state-court coverage action (the “**California Coverage Action**”) to proceed in order to provide guidance and certainty on the extent of the Insurers’ and Debtor’s respective contractual rights and obligations for claims brought by survivors of childhood sexual abuse under the California Child Victims Act against the Archdiocese.

B. On November 16, 2023, the Debtor filed an objection (the “**Objection**”) to the Motion.²

C. On November 16, 2023, the Official Committee of Unsecured Creditors (the “**Committee**”) joined the Objection.³

D. The Parties have met and conferred with respect to the Insurers’ request for relief by the Motion. As a result, the Parties have come to an agreement regarding the relief requested by the Motion.

¹ Capitalized terms used but not defined herein shall have the meanings ascribed to them in the Motion.

² *Debtor’s Opposition to Motion of Certain Insurers for Relief from Automatic Stay to Permit California Coverage Action to Continue* [Docket No. 313].

³ *Committee’s Joinder to Debtor’s Opposition to Motion of Certain Insurers for Relief from Automatic Stay to Permit California Coverage Action to Continue* [Docket No. 321].

1 E. This Stipulation was previously provided to counsel for the Committee. Counsel
2 for the Committee indicated that the Committee does not object to this Stipulation.

3 **NOW, THEREFORE, UPON THE FOREGOING RECITALS, WHICH ARE**
4 **INCORPORATED AS THOUGH FULLY SET FORTH HEREIN, IT IS HEREBY**
5 **STIPULATED AND AGREED, BY AND BETWEEN THE PARTIES, THROUGH THE**
6 **UNDERSIGNED:**

7 1. The Insurers agree to withdraw the Motion without prejudice.

8 2. The Insurers agree that they will not file a renewed motion to lift the stay without
9 providing the Debtor with at least 45-days' prior notice. The Debtor agrees it will not seek to
10 remove the California Coverage Action without providing Insurers with at least 45-days' prior
11 notice.

12 3. Neither the Insurers' agreement to withdraw the Motion, nor the pendency of the
13 stay, may be used in any manner (i) to challenge the Insurers' standing, (ii) in opposing any further
14 motion to lift the stay, or (iii) as a waiver, admission, or limitation of any kind with respect to the
15 Insurers' or the Debtor's rights, claims, defenses, or objections in connection with the California
16 Coverage Action or this Bankruptcy Case.

17 4. Other than as agreed to above, the Debtor and the Insurers reserve all rights, claims,
18 defenses, and objections.

19 [SIGNATURE PAGES TO FOLLOW]
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1
2 Dated: February 6, 2024

3 /s/ Pierce A. MacConaghy

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Insurance Company for policies JU835-8355
and JU895-0964

1 Dated: February 6, 2024

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2 By: /s/ Paul J. Pascuzzi

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6 Dated: February 6, 2024

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